

REMARKS

According to the Final Office Action, claims 1 – 24 are rejected under 35 USC 102(e) as being anticipated by Lindskog (US Patent Publication No. 2005/0018638). In response, independent claims 1, 23 and 24 are amended to more clearly distinguish the present invention over the prior art of record. No new matter has been added.

Lindskog is not relevant to the present invention. Lindskog's application is directed to decreasing energy consumption during a predetermined time interval (see Abstract). Lindskog's paragraphs 16, 21, 22 and 51-53, as relied upon in the Final Office Action, discuss frame fragmentation, which is not new. See Lindskog's paragraph 18: "Frame fragmentation is known e.g. from IEEE 802.11." This is similar to a discussion on page 3, line 11 – page 4, line 2 in the instant application.

In contrast to Lindskog and the description on page 3, line 11 – page 4, line 2 in the instant application (which deal with a **fragment level transmission**), the claimed invention is directed to a **packet level transmission**, using a more fragment bit, without back-off. No such description can be found in or inferred from Lindskog. Once again, the paragraphs cited in the Final Office Action fail to disclose such recited features of the present invention. The paragraphs 16, 21, 22 and 51-53, as relied upon in the Final Office Action, merely describe the IEEE 802.11 standard, which is not equivalent to Applicant's claimed limitations.

In addition, to further clarify Applicant's claims, the feature of "determining a bandwidth requirement for transmission of the at least one stream of packets to the at least one wireless station; defining a ratio between a plurality of streams based on the bandwidth requirement" is added to the independent claims. It is respectfully submitted that no such features are described or even suggested by Lindskog.

According to the binding case law established by U.S. Court of Appeals for the Federal Circuit and its predecessor Court (as interpreted in Section 2131 of the MPEP), to anticipate a claim, the reference must teach each and every element of that claim. As discussed above, Lindskog is deficient in teaching each and every element of Applicant's claim 1. It is, therefore, respectfully submitted that independent claim 1 is not anticipated by Lindskog.

Claims 23 and 24 contain features similar to those in claim 1. Hence, the analysis of those independent claims is similar to claim 1, as presented hereinabove. To avoid repetition, claims

23 and 24 will not be discussed in detail with the understanding that they are patentable at least for the same reasons as claim 1.

Claims 2 – 22 depend from independent claims, which have been shown to be allowable over the prior art reference. Accordingly, claims 2 – 22 are also allowable by virtue of their dependency, as well as the additional subject matter recited therein.

An earnest effort has been made to be fully responsive to the examiner's correspondence and advance the prosecution of this case. In view of the above amendments and remarks, it is believed that the present application is in condition for allowance, and an early notice thereof is earnestly solicited.

Please charge any additional fees associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,

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